

48A C.J.S. Judges § 2

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

I. In General

A. Definitions and Distinctions

1. In General

§ 2. Ordinary

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  1

Ordinary is a civil law term for any judge who has authority to take cognizance of causes by his or her own right and not by deputation.

Ordinary is a civil-law term, from the Latin *ordinarius*,¹ for any judge who has authority to take cognizance of causes in his or her own right and not by deputation.² By the common law, it refers to one who has ordinary or exempt and immediate jurisdiction in causes ecclesiastical.³ It indicates the higher judicial office in probate or other ecclesiastical jurisdictions in opposition to that of a subordinate official, extraordinarily appointed, to exercise such jurisdictions.⁴

In some jurisdictions, the term is defined as a probate judge and is used only in that sense.⁵ In still other jurisdictions, an ordinary is considered as a judicial officer,⁶ a judge,⁷ or one exercising judicial authority.⁸ In some instances, an ordinary of a county is a county officer.⁹

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 N.Y.—*In re Martin's Will*, 80 Misc. 17, 141 N.Y.S. 784 (Sur. Ct. 1913).
- 2 S.C.—*Hays v. Harley*, 8 S.C.L. 267, 1 Mill 267, 1817 WL 618 (S.C. 1817).
- 3 S.C.—*Hays v. Harley*, 8 S.C.L. 267, 1 Mill 267, 1817 WL 618 (S.C. 1817).
- 4 N.Y.—*In re Martin's Will*, 80 Misc. 17, 141 N.Y.S. 784 (Sur. Ct. 1913).
- 5 *Black's Law Dictionary* (9th ed.).
- 6 S.C.—*Hays v. Harley*, 8 S.C.L. 267, 1 Mill 267, 1817 WL 618 (S.C. 1817).
- 7 Ala.—*Darrow v. Darrow*, 201 Ala. 477, 78 So. 383 (1918) (overruled in part on other grounds by, *Jordan v. Copeland*, 272 Ala. 336, 131 So. 2d 696 (1961)).
- 8 S.C.—*Hays v. Harley*, 8 S.C.L. 267, 1 Mill 267, 1817 WL 618 (S.C. 1817).
- 9 Ga.—*Lee v. Byrd*, 169 Ga. 622, 151 S.E. 28 (1929).

End of Document

© 2023 Thomson Reuters. No claim to original U.S.
Government Works.